IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 15106 of 2004**

Between:

1 Dhumale Kashinath S/o. Late D. Venkoba Rao
Central Research Institute for Unani Medicine,

Opp. ESI Hospital, A.G.Colony, Erragadda, Hyd,

R/o.H.No. J 261, N.R.R. Puram Colony, Site-III, Borabanda,

Hyderabad.
2 Kongala Yadaiah S/o. K. Laxmaiah
Central Research Institute for Unani Medicine,

OPP. ESI Hospital A.G.Colony, Erragadda, Hyd,

R/o. H.No. 18-7-466/2/B/10/A,

Ambika Nagar, Near Uppuguda, Hyd.

**..... PETITIONERS**

AND

Deputy Director in-Charge, Central Research Institute for Unani Medicine, Opp. ESI Hospital A.G.Colony, Erragadda, Hyd.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or Directions essentially in the nature of Writ of Mandamus directing the respondent to promote the Petitioners as Lab. Technician with effect from the date of their eligibility and availability of vacancies in their respective categories with all consequential benefits by holding the action of the Respondent in not doing so and not continuing the petitioners as Lab. Attendants only despite availability of vacancies and issuing repeated notifications for direct recruitment though the recruitment rules specify to fill the vacancies promotion as illegal, arbitrary and unconstitutional.

**Counsel for the Petitioners :MR.J.SUDHEER**

**Counsel for the Respondent: None appeared.**

**The Court at the stage of admission made the following :**

**ORDER:**

The petitioners are working as Lab Attendants. They are contending that they acquired all qualifications required for promotion as Lab Technicians. They further contend that there are vacancies of Lab Technicians, but the respondent is not filling up those vacancies and they are lying vacant. The petitioners contend that they made several representations to the respondent to consider their cases for promotion, but no orders have been passed by the respondent. The petitioners further contend that as per rules, the vacancies have to be filled by way of promotion, therefore, they approached this Court seeking a direction to the respondent to promote them as Lab Technicians. Since the petitioners are contending that the posts are lying vacant, the respondent is directed to examine the cases of the petitioners regarding their eligibility for promotion and pass appropriate orders on their representations as per rules regarding their request for promotion as Lab Technicians within two months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

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Dr. G. Yethirajulu, J.

Dt: 25th October, 2004.

Rns.

To

1. Deputy Director in-Charge, Central Research Institute

for Unani Medicine, Opp. ESI Hospital A.G.Colony,

Erragadda, Hyderabad.

2. Two CD copies.